Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Linde Gas Clear Lake Plant, 9502 Bayport Boulevard, Suite A, Pasadena, Harris County

Type of Operation:

Industrial gas manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 19, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$31,200

Amount Deferred for Expedited Settlement: \$6,240 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$24,960

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 27, 2015

Date(s) of NOE(s): April 29, 2015

Violation Information

- 1. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions rate of 0.03 ton per year ("tpy") based on a rolling 12-month period for the Start-up Eductor MJ-151, Emission Point Number ("EPN") 51MJ151, for the 12-month periods ending in December 2011 through August 2012, resulting in the unauthorized release of 0.01 ton of CO [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 01329, Special Terms and Conditions ("STC") No. 12, and New Source Review ("NSR") Permit No. 4056, Special Conditions ("SC") No. 1].
- 2. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-151, EPN 51MJ151, for the 12-month periods ending in December 2011 through September 2012, resulting in the unauthorized release of 0.02 ton of NOx [30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].
- 3. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the NOx emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-152, EPN 51MJ152, for the 12-month period ending in August 2012, resulting in the unauthorized release of 0.01 ton of NOx [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].
- 4. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the CO emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-152, EPN 51MJ152, for the 12-month period ending in August 2012, resulting in the unauthorized release of 0.01 ton of CO [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].
- 5. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the CO emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-153, EPN 51MJ153, for the 12-month periods ending in September 2011 through August 2012, resulting in the unauthorized release of 0.02 ton of CO [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].
- 6. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the NOx emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-153, EPN 51MJ153, for the 12-month periods ending in September 2011

through August 2012, resulting in the unauthorized release of 0.04 ton of NOx [30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].

7. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the CO emissions rate of 0.01 tpy based on a rolling 12-month period for the MSS Recycle Carbon Dioxide Compression System, EPN Maintenance, Start-up, and Shutdown-RCO2, for the 12-month periods ending in August 2012 through November 2012 and January 2013 through March 2013, resulting in the unauthorized release of 0.02 ton of CO [30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1].

8. Failed to comply with annual emissions rates. Specifically, the Respondent exceeded the sulfur dioxide ("SO2") emissions rate of 0.01 tpy based on a rolling 12-month period for the Maintenance, Start-up, and Shutdown Flare MN-157, EPN 51MN157ST, for the 12-month periods ending in June 2011 through March 2013, resulting in the unauthorized release of 0.39 ton of SO2 [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1329, STC No. 12, and NSR Permit No. 4056, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 1, 2014, the Respondent submitted an application to amend NSR Permit No. 4056 to increase the amount of authorized emissions for Start-up Eductor MJ-151, EPN 51MJ151; Start-up Eductor MJ-152, EPN 51MJ152; Start-up Eductor MJ-153, EPN 51MJ153; and Maintenance, Start-up, and Shutdown Flare MN-157, EPN 51MN157ST.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures to ensure compliance with the CO emissions rate for EPN Maintenance, Start-up, and Shutdown-RCO2;
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days, submit written certification demonstrating compliance with a.; and

d. Within 180 days, submit written certification that either the amendment to NSR Permit No. 4056 has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Melissa Cordell, Enforcement Division,

MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Jake Leavins, Head of Houston Hyco, Linde Gas North America LLC,

9502 Bayport Boulevard, Pasadena, Texas 77507

Richard McFall, Environmental Manger, Linde Gas North America LLC, 9502 Bayport

Boulevard, Pasadena, Texas 77507 Respondent's Attorney: N/A

	Pe	nalty Calculatio	n Worksheet (PC	CW)	
Policy Revision 2 (Se		•	•		October 30, 2008
TCFO	,				
DATES Assigned	4-May-2015		•		
PCW		Screening 6-May-2015	EPA Due		
				S- <u></u>	
RESPONDENT/FACILI	TY INFORMATIO	ON			
	Linde Gas North				
Reg. Ent. Ref. No.					
Facility/Site Region			Major/Minor Source	Major	
racinty/Site Region	12-110030011		Major/Tanior Source	[Plajoi	
CASE INFORMATION					
Enf./Case ID No.	50497		No. of Violations	1	
		-			
	2015-0685-AIR-E	· · · · · · · · · · · · · · · · · · ·	Order Type		
Media Program(s)	Air		Government/Non-Profit		
Multi-Media				Amancio R. Gutierre	
				Enforcement Team	5
Admin. Penalty \$ L	<u>.imit Minimum </u>	\$0 Maximum	\$10,000		<u> </u>
		Penalty Calcula	tion Section		
TOTAL BASE PENA	LTY (Sum of	violation base penal	ties)	Subtotal 1	\$5,000
ADJUSTMENTS (+)	/-) TO SUBTO	TAL 1			
Subtotals 2-7 are ob	tained by multiplying	the Total Base Penalty (Subtotal 1			
Compliance His	story	56.0%	Enhancement Subto	tals 2, 3, & 7	\$2,800
·	Enhancement fo	throe NOVe with same/sim	nilar violations, one NOV with]	
Notes		ations, and two orders cont			
	Reduct	ion for one notice of intent t	to conduct an audit.		
1				·	
Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Re	spondent does not meet the	e culpability criteria.		
				J	
0 1= 11 =00				Cultivated 5	+0
Good Faith Effe	ort to Comply 1	otal Adjustments		Subtotal 5	\$0
	41.			- 4 4.	4.5
Economic Bene			Enhancement*	Subtotal 6	\$0
Estimated	Total EB Amounts Cost of Compliance		ed at the Total EB \$ Amount		
Estillateu	cost of compliance	\$10,000			
CLUM OF CURTOTA					£7 000
SUM OF SUBTOTAL	LS 1-/		F	inal Subtotal	\$7,800
OTHER FACTORS A	AS JUSTICE M	AY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final	Subtotal by the indic	ated percentage.			
]					
Notes					
				1	
1			Final Per	nalty Amount	\$7,800
[· ····································		47,000
CTATUTODY LIMIT	CADILICENEN	ıT	m*		#7 900
STATUTORY LIMIT	ADJUSIMEN	11	Final Asse	ssed Penalty	\$7,800
DEFERRAL			20.0% Reduction	Adjustment	-\$1,560
Reduces the Final Assessed Pe	nalty by the indicated	percentage. (Enter number only;	e.g. 20 for 20% reduction.)	<u> </u>	
Notes	1	Deferral offered for expedite	ed settlement.		

\$6,240

PAYABLE PENALTY

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Linde Gas North America LLC

Case ID No. 50487

Reg. Ent. Reference No. RN103080487

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>>	Compliance Histor	y Site	Enhancement ((Subtotal 2)

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		-1%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%

	Ple Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 56%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

56%

		ening Date		PCW
				sion 2 (September 2002)
D		ase ID No.		evision October 30, 2008
кед.			RN103080487	
		a [Statute] 'cordinator	Air Amancio R. Gutierrez	
		stion Number		
	*****		20 T Admin Code CC 44C 44E(b)(2)(E) and (a) and 422 442(4). T Health C	1
		Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1329, Special Terms and Conditions No. 12, and New Source Review Permit No. 4056, Special Conditions No. 1	
	Violatio	n Description	Falled to comply with annual emissions rates. Specifically, the Respondent exceeded the sulfur dioxide ("SO2") emissions rate of 0.01 ton per year based on a rolling 12-month period for the Maintenance, Start-up, and Shutdown Flare MN-157, Emission Point Number ("EPN") 51MN157ST, for the 12-month periods ending in June 2011 through March 2013, resulting in the unauthorized release of 0.39 ton of SO2.	
			Base Penalty	\$10,000
>> En	vironme	ntal, Prope	ty and Human Health Matrix	
	!	Release	Harm Major Moderate Minor	
OR	•	Actual		
		Potential	Percent 25%	
>>Pro	gramma	tic Matrix Falsification	Major Moderate Minor	
			Percent 0%	
	1			า
	Matrix Notes	II	h or the environment has been exposed to insignificant amounts of pollutants which it levels that are protective of human health or environmental receptors as a result of the violation.	
	**************************************		Adjustment \$7,500	ן נ
				\$2,500
				\$2,500
Violati	ion Even	ts	K - C - C - C - C - C - C - C - C - C -	;
		Number of	Violation Events 2 669 Number of violation days	
		Nulliber of	7iolation Events 2 009 Number of Violation days	
			daily	
			weekly	
		mark only one	monthly Violation Base Penalty	\$5,000
		with an x	quarterly Violation Base Penalty Semiannual	\$3,000
			annual x	
			single event	
		Two annual e	vents are recommended for the period of non-compliance from June 1, 2011 through	1
:			March 31, 2013.	
Good I	Faith Eff	orts to Con	ply 0.0% Reduction	\$0
0000.			Before NOV NOV to EDPRP/Settlement Offer	<u> </u>
			Extraordinary	
			Ordinary	
			N/A x (mark with x)	
			Notes The Respondent does not meet the good faith criteria for this violation.	
			Violation Subtota	\$5,000
Econo	mic Bene	efit (EB) fo	this violation Statutory Limit Test	
		Estimat	ed EB Amount \$2,377 Violation Final Penalty Tota	\$7,800
			This violation Final Assessed Penalty (adjusted for limits	\$7,800
			and the second control of the second control	

Economic Benefit Worksheet Respondent Linde Gas North America LLC **Case ID No. 50487** Reg. Ent. Reference No. RN103080487 Media Alr Years of **Percent Interest** Violation No. 1 Depreciation 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction 0.00 \$0 \$0 \$0 Land 0.00 \$0 n/a \$0 Record Keeping System 0.00 \$0 \$0 n/a Training/Sampling 0.00 <u>\$0</u> n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 Permit Costs 0.00 \$0 n/a \$0 Other (as needed) 1-Jun-2011 1-Mar-2016 4.75 \$2,377 Estimated cost to obtain an amendment for NSR Permit No. 4056 to increase the amount of authorized emissions for Start-up Eductor MJ-151, EPN 51MJ151; Start-up Eductor MJ-152, EPN 51MJ152; Start-up Eductor MJ-153, EPN 51MJ153, and Maintenance, Start-up, and Shutdown Flare MN-157, EPN **Notes for DELAYED costs** 51MN157ST. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] \$0 \$0 \$0 0.00 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) 0.00 Notes for AVOIDED costs Approx. Cost of Compliance \$10,000 TOTAL \$2,377

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 4-May-2015 PCW 20-Nov-2015 Screening 6-May-2015 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Linde Gas North America LLC Reg. Ent. Ref. No. RN103080487 Facility/Site Region 12-Houston Major/Minor Source Major **CASE INFORMATION** Enf./Case ID No. 50487 No. of Violations 4 Docket No. 2015-0685-AIR-E Order Type 1660 Media Program(s) Air Government/Non-Profit No Multi-Media Enf. Coordinator Amancio R. Gutierrez EC's Team Enforcement Team 5 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$15,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 56.0% Enhancement Subtotals 2, 3, & 7 Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Notes Reduction for one notice of intent to conduct an audit. Culpability Subtotal 4 0.0% Enhancement \$0 The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** Subtotal 6 \$0 0.0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount \$358 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$23,400 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$23,400 STATUTORY LIMIT ADJUSTMENT \$23,400 Final Assessed Penalty

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

20.0%

Reduction

Adjustment

-\$4,680

\$18,720

DEFERRAL

Notes

PAYABLE PENALTY

Docket No. 2015-0685-AIR-E

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent Linde Gas North America LLC

Case ID No. 50487

Reg. Ent. Reference No. RN103080487

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

			compnance	: mistoi y	WOLKSHEEL
>>	Compliance History S	te Enhancement	(Subtotal 2)		

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		-1%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	0%
	Pl	ease Enter Yes or No	

	110	ase Lines 163 of 140	
	Environmental management systems in place for one year or more	No	0%
l Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

56%

		ning Date			Docket No.	2015-0685-AIR-E		, PCW
			Linde Gas North	America LLC			Policy R	Revision 4 (April 2014)
		ise ID No.					PCW Re	vision March 26, 2014
Reg.	Ent. Refe	rence No.	RN103080487					
	Media	[Statute]	Air					
	Enf. Co	ordinator	Amancio R. Gutie	errez				
	Violat	ion Number	1					
		Rule Cite(s)	30 Tey Admin	Code 88 116 115()	1/21/E) and (c)	and 122.143(4), Tex. He	alth &	
	'	Ruie Cite(s)				nit ("FOP") No. O1329, S		
						urce Review ("NSR") Pern		
				4056, Specia	I Conditions ("So	C") No. 1		
					(-			
			Failed to co	mnly with annual er	missions rates S	specifically, the Responde	ent	
						ite of 0.03 ton per year (
						0.03 tpy based on a rolling		
	violation	Description				mission Point Number ("E		
			51MJ151, for th	e 12-month periods	ending in Dece	mber 2011 through Sept	tember	
			2012, resulting i	in the unauthorized	release of 0.02	ton of NOx and 0.01 ton	of CO.	
						Dage D		#3F 000
						base P	Penalty _	\$25,000
>> Fn	vironmen	tal. Prope	dy and Huma	n Health Matri	Y	- propriet and decomposition from money and or the		
	1	cary it itopo	cy and name	Harm	AT /T-760 AT AT AT AT A A A A A	he he helled to the section of the s		
	1	Release	Major	Moderate Min	or			
OR		Actua!		×				
	3	Potential				Percent 15.0%		
			<u> </u>					
>>Pro	grammat	ic Matrix	and the sale of the little on the little of	-				
		Falsification	Major	Moderate Min	ior	-d		
						Percent 0.0%		
				,-				
	,							1
	· .	Human health	or the environme	ent has been expos	ed to insignificar	nt amounts of pollutants	that do	1
	matrix					nt amounts of pollutants		
	Matrix Notes				ealth or environ	nt amounts of pollutants mental receptors as a res		
	matrix			otective of human h	ealth or environ			
	matrix			otective of human h	ealth or environi	mental receptors as a res	suit of	
A she A same Sheet V	matrix			otective of human h	ealth or environi	mental receptors as a res		
A the A private Vince Vi	matrix			otective of human h	ealth or environi	mental receptors as a res	suit of	\$3,750
, A do A 11 to Vine V	Notes	not exceed I		otective of human h	ealth or environi	mental receptors as a res	suit of	\$3,750
Violati	matrix	not exceed I		otective of human h	ealth or environi	mental receptors as a res	suit of	\$3,750
Viõlati	Notes	not exceed I	evels that are pro	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250	\$3,750
Violati	Notes	not exceed I		otective of human h	ealth or environi	mental receptors as a res	\$21,250	\$3,750
Violati	Notes	not exceed I	evels that are pro	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250	\$3,750
Violati	Notes	not exceed I	evels that are pro Violation Events	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250	\$3,750
Violati	Notes	not exceed I	violation Events daily weekly	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250	\$3,750
Violati	Notes	not exceed I	Violation Events daily weekly monthly	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250 \$21,250 ys	
Violati	Notes	Number of	Violation Events daily weekly monthly quarterly	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250 \$21,250 ys	\$3,750 \$3,750
Violati	Notes	Number of	Violation Events daily weekly monthly quarterly semiannual	the viola	ealth or environment on Ac	djustment \$	\$21,250 \$21,250 ys	
Violati	Notes	Number of	Violation Events daily weekly monthly quarterly semiannual annual	otective of human high the viola	ealth or environment on Ac	djustment \$	\$21,250 \$21,250 ys	
Violati	Notes	Number of	Violation Events daily weekly monthly quarterly semiannual	the viola	ealth or environment on Ac	djustment \$	\$21,250 \$21,250 ys	
Violati	Notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event	1	ealth or environment on Acc	djustment \$ Number of violation day	\$21,250 ys	
Violati	Notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event	1 x nended for the period	alth or environment on Acc	djustment \$	\$21,250 ys	
Violati	Notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event	1	alth or environment on Acc	djustment \$ Number of violation day	\$21,250 ys	
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event	1 x nended for the period through Septem	alth or environment on Acc	djustment \$ djustment \$ Number of violation day Violation Base P	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event	1 x nended for the period through Septem	alth or environmention. Accomplished of non-complisher 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	\$21,250 ys	
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event I event is recomm	1 x nended for the period through Septem	alth or environment on Acc	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event l event is recomm	1 x nended for the period through Septem	alth or environmention. Accomplished of non-complisher 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event I event is recomm	1 x nended for the period through Septem	alth or environmention. Accomplished of non-complisher 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event l event is recomm	1 x nended for the period through Septem	ad of non-compliber 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm	1 x nended for the perior through Septem 0.0% sfore NOE/NOV NOE/No x ((mark w	ad of non-compliber 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single event event is recomm ply Extraordinary Ordinary N/A	1 x nended for the perior through Septem 0.0% sfore NOE/NOV NOE/No x ((mark w	ad of non-compliber 20, 2012.	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm	1 x nended for the perior through Septem 0.0% sfore NOE/NOV NOE/No x ((mark w	ad of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
	Notes notes	Number of mark only one with an x	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm	1 x nended for the perior through Septem 0.0% sfore NOE/NOV NOE/No x ((mark w	ad of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2	ys Penalty 2011	\$3,750
Good	Notes lion Events	Number of mark only one with an x One annua	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm ply Ordinary N/A Notes	1 X neended for the period through Septem 0.0% efore NOE/NOV NOE/No X The Respondent doe	ad of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the	Number of violation day Violation Base P ance from December 1, 2 Recomment Offer Good faith criteria for	ys Penalty 2011 duction	\$3,750 \$0
Good	Notes lion Events	Number of mark only one with an x One annua	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm	1 X neended for the period through Septem 0.0% efore NOE/NOV NOE/No X The Respondent doe	ad of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the	djustment \$ djustment \$ Number of violation day Violation Base P ance from December 1, 2 Recomment Offer good faith criteria for	ys Penalty 2011 duction	\$3,750 \$0
Good	Notes lion Events	Number of mark only one with an x One annua	violation Events daily weekly monthly quarterly semiannual annual single event t event is recomm ply Extraordinary Ordinary N/A Notes	1 X neended for the period through Septem 0.0% efore NOE/NOV NOE/No X The Respondent doe	add of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the this violation.	Number of violation day Violation Base P ance from December 1, 2 Recomment Offer Violation Statutory Limit T	ys Penalty 2011 duction	\$3,750 \$0 \$3,750
Good	Notes lion Events	Number of mark only one with an x One annua	violation Events daily weekly monthly quarterly semiannual annual single event event is recomm ply Ordinary N/A Notes	1 X neended for the period through Septem 0.0% efore NOE/NOV NOE/No X The Respondent doe	add of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the this violation.	Number of violation day Violation Base P ance from December 1, 2 Recomment Offer Good faith criteria for	ys Penalty 2011 duction	\$3,750 \$0
Good	Notes lion Events	Number of mark only one with an x One annua	violation Events daily weekly monthly quarterly semiannual annual single event t event is recomm ply Extraordinary Ordinary N/A Notes	1 x nended for the period through Septem 0.0% fore NOE/NOV NOE/No x ((mark w) The Respondent does n	ad of non-compliber 20, 2012. OV to EDPRP/Settler with x) es not meet the this violation.	Number of violation day Violation Base P ance from December 1, 2 Recomment Offer Violation Statutory Limit T	ys Penalty 2011 duction ubtotal est	\$3,750 \$0 \$3,750

	Éc	onomic E	Benefit \	Nor	ksheet		
Respondent							
Case ID No.							
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs							
Equipment			*	0.00	\$0	\$0	\$0
Buildings		i i		0.00	\$0	\$0	\$0
Other (as needed)		i i		0.00	\$0	\$0	\$0
Engineering/Construction		i i		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs					on No. 1 of the acc		
Avoided Costs	ANNUAL	IZE [1] avoided	costs_before	enterir	ng item (except	for one-time avoi	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment		<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance [2]		ļļ		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		<u> </u>		0.00	\$0	\$0	\$0
Other (as needed)		اــــــا		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		_\$0

Screening Date	6-May-2015 Docket No. 2015-0685-AIR-E	PCW
		y Revision 4 (April 2014)
Case ID No.	50487 PCW	Revision March 26, 2014
Reg. Ent. Reference No.		
Media [Statute]	Alr Amancio R. Gutierrez	
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health &]
	Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056,	
	SC No. 1	1
	Falled to comply with annual emissions rates. Specifically, the Respondent exceeded the NOx emissions rate of 0.03 tpy and the CO emissions rate of 0.03 tpy based on	
Violation Description	a rolling 12-month period for the Start-up Eductor MJ-152, EPN 51MJ152, for the 12	
	month period ending in August 2012, resulting in the unauthorized release of 0.01 ton of NOx and 0.01 ton of CO.	
	ton or NOX and 0.01 ton or Co.]
	Base Penalty	\$25,000
>> Environmental, Prope	rty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actua		
Potentia	Percent 15.0%	
>>Programmatic Matrix	AND THE PROPERTY OF THE PROPER	
Falsification	Major Moderate Minor	
<u> </u>	Percent 0.0%	
Human healt	h or the environment has been exposed to insignificant amounts of pollutants that do	ا ا
	vels that are protective of human health or environmental receptors as a result of the	
Notes	violation.	
Control State of the Control of the	Adjustment \$21,25	ត 📗
A PO O O O O DOO ABOUTURE D IN DO AND POT BURNING IN TO AD-	The errors to the action of the errors of th	
		\$3,750
Violation Events		Ī.
Number of	Violation Events 1 30 Number of violation days	
	daily weekly	
mark only one	monthly	
with an x	quarterly Violation Base Penalty	\$3,750
	semiannual x	
	single event	
		- 1
One annual	event is recommended for the period of non-compliance from August 1, 2012 through August 31, 2012.	
	August 31, 2012.	
Good Faith Efforts to Con	nply 0.0% Reduction	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	` <u> </u>
	Extraordinary	
	Ordinary N/A x (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Subtota	\$3,750
Economic Benefit (EB) fo	r this violation Statutory Limit Test	
Estima	ted EB Amount \$0 Violation Final Penalty Tota	\$5,850
	This violation Final Assessed Penalty (adjusted for limits	\$5,850

	Ec	onomic E	Benefit V	Wor	ksheet		
Respondent L							
Case ID No. 5	50487						
Reg. Ent. Reference No. F							
Media /							Years of
Violation No. 2						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		•					
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land [0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	·			0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs][0.00	\$ 0	n/a	\$0
Other (as needed)				0.00	<u> </u>	n/a	\$0
Notes for DELAYED costs					on No. 1 of the acc	· · · ·	
Avoided Costs_	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except	for one-time avoid	led costs)
Disposal][0.00	\$0	\$0	\$0
Personnel [0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	****			0.00	\$0	\$0	\$0
Other (as needed)		<u>][](</u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

	Scre	ening Date	6-May-2015 Docket No. 2015-0685-AIR-E	PCW
			Linde Gas North America LLC	Policy Revision 4 (April 2014)
		ase ID No.		PCW Revision March 26, 2014
Reg.		erence No.		4
		a [Statute]	Air Amancio R. Gutierrez	
		ition Number	Amancio K. Gutierrez	
	*10.0	Rule Cite(s)	20 Tour Admin Code CC 44C 44F/(5/20/F) and (5) and 400 440/(5) Tour (6)	
			30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. H Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit N SC No. 1	o. 4056,
				
Violation Description			Falled to comply with annual emissions rates. Specifically, the Respondent of the NOx emissions rate of 0.03 tpy and the CO emissions rate of 0.03 tpy a rolling 12-month period for the Start-up Eductor MJ-153, EPN 51MJ153, fromonth periods ending in September 2011 through August 2012, resulting unauthorized release of 0.04 ton of NOx and 0.02 ton of CO.	oased on or the 12
				Penalty \$25,000
>> Env	ironme	ntal, Prope	ty and Human Health Matrix Harm	
	1	Release	Major Moderate Minor	
OR	·	Actual	X	
)	• •	Potential	Percent 15.0%	
	×			
>>Prog	gramma	tic Matrix Falsification	Major Moderate Minor	
	· }	T disilied eloit	Percent 0.0%	
And the second s	Matrix Notes		or the environment has been exposed to insignificant amounts of pollutants els that are protective of human health or environmental receptors as a resviolation.	
34	**************	^ _ ^ _	Adjustment	\$21,250
				\$3,750
				\$3,750
Violatio	on Even	ts	- 0 VA/MONTNEW/// 8 / 700 A/-3-2) NAMES DO N. 11/2/20 AF AD // AF ADO AN X 4 -15 0 5 SA 10/40 AF AD O .	* **
		Number of	/iolation Events 1 365 Number of violation o	lavs
ļ			daily	
			weekly	
		mark only one	monthly Uiolation Base	Penalty \$3,750
		with an x	semiannual	1 Charty 45/755
			annual x	
			single event	
		One annua	event is recommended for the period of non-compliance from September 1 through August 31, 2012.	, 2011
		L		
Good F	aith Eff	orts to Com		Reduction \$0
			Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary	
			Ordinary (mark with x)	
			The Respondent does not meet the good faith criteria for	
			Notes this violation.	
			Violation	Subtotal \$3,750
Econor	nic Ben	efit (EB) for	this violation Statutory Limit	Test
		Estimat	ed EB Amount \$0 Violation Final Pena	ilty Total \$5,850
	TARREST STATE OF THE PROPERTY OF		This violation Final Assessed Penalty (adjusted for	or limits) \$5,850

	Ec	onomic B	enefit \	Wor	ksheet		
Respondent	Linde Gas Nor	th America LLC					
Case ID No.							
Reg. Ent. Reference No.							
Media						<u> </u>	Years of
						Percent Interest	Depreciation
Violation No.	3						1
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANNUAL				on No. 1 of the acc	companying PCW.	ded costs)
Disposal	AMOAL	TEE (1) avoided	COSES DETOTE	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0	\$0
Inspection/Reporting/Sampling		 		0.00	\$0 \$0	\$0	\$0
Supplies/Equipment		(0.00	\$0	\$0	\$0
Financial Assurance [2]	<u> </u>			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		 		0.00	\$0	\$0	\$0
		ii		0.00	\$0	\$0	
Other (as needed)							50
Other (as needed)		JL		الم.مم		·	\$0
Other (as needed) Notes for AVOIDED costs				<u>JI. 0.00.</u>	•		

.

		ening Date		Docket No. 201	5-0685-AIR-E	PCW
		•	Linde Gas North America LLC		Polic)	Revision 4 (April 2014)
_		ase ID No.			PCW I	Revision March 26, 2014
Reg.			RN103080487			
	Media	a [Statute]	Air			
			Amancio R. Gutlerrez			
	Viola	ation Number				1
		Rule Cite(s)	30 Tex. Admin. Code §§ 116 Safety Code § 382.085(b), FC			
	Violatio	n Description	Falled to comply with annual e the CO emissions rate of C Maintenance, Start-up, and SI EPN MSS-RCO2, for the 12-mo 2012 and January 2013 throu	0.01 tpy based on a rolling 1 hutdown Recycle Carbon Dic onth periods ending in Augu	2-month period for the ixide Compression System, st 2012 through November	
					Base Penalty	\$25,000
>> En	vironme	ntal, Proper	rty and Human Health I	Matrix	entreter attraction and a committee of the state of the s	
	1		Harm		•	
OR		Release Actual		Minor		
OK.	,	Potential		XPer	cent 15.0%	
	4	, , , , ,			25.0 70	
>>Pro	gramma	tic Matrix				
	1	Falsification	Major Moderate	Minor		
			<u> </u>	Per	cent 0.0%	
	2	Luman health	h or the covironment has been	avenaged to incignificant am	austa of mallutanta that da	7
	Matrix. Notes		h or the environment has been vels that are protective of hum:			
	*			Adjust	#21.750	- 1
	is morname when			Adjust	ment \$21,250	<u>,</u>
						\$3,750
			gaygjambilannigiliyygis aylalan ir kalalay gara salaman mangaraya iyong kasalandiyin qod	ongangkayandayah sunadireyasina defenera deskrimentira efenera filmentir sidadak isa da majita		•
Violati	ion Even	ts	Some ere on to to the set of a personater of the domestic	administration to the same of a second to a	and a solution who have the form	*
		Number of \	Violation Events 1	210 Nu	mber of violation days	
			dally			
			weekly			
		mark only one	monthly		Violation Base Penalty	#2.7F0
		with an x	quarterly semiannual		violation base Penalty	\$3,750
			annual x			
			single event			
						_
		One annual e	vent is recommended for the p	eriods of non-compliance fro	m August 1, 2012 through	
			November 30, 2012 and Jan	uary 1, 2013 through March	31, 2013.	
			Action of the second contract of the second c			-
Good	Faith_Eff	orts to Com		NOE/NOV to EDPRP/Settlement O	Reduction	\$0
			Extraordinary Extra	NOE/NOV to EDPRP/Settlement o	ier	
			Ordinary			
			·	mark with x)		
			The Responde	ent does not meet the good	faith criteria for	
			Notes	this violation.		
			<u></u>			
					Violation Subtotal	\$3,750
Econo	mic Ben	ofit (FR) for	- ALI- 11-1-1-1	C+	atutory Limit Test	Market in the versal filter of the contribution of the contributio
			r this violation		atutory millior rest	
						THE COME AS COME AS COME AND COME
i			ed EB Amount		ation Final Penalty Total	\$5,850

Respondent Case ID No.	Linde Gas Nort 50487	ONOMIC E	Benefit \	Nor	ksheet		
Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	<u></u>			7			
Equipment				0.00	\$0	\$0	\$0
Buildings		<u> </u>		0.00	\$0	\$0 \$0	\$0
Other (as needed) Engineering/Construction	<u> </u>			0.00	\$0 \$0	\$0	\$0 \$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling		 		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Aug-2012	_1-Mar-2016	3.58	\$358	n/a	\$358
Notes for DELAYED costs	estimated date of compliance.						
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00		\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		ļ		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	<u></u>			0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

\$2,000

TOTAL

\$358

Notes for AVOIDED costs

Approx. Cost of Compliance

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



CEQ Compliance History Report

PUBLISHED Compliance History Report for CN603335019, RN103080487, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN603335019, Linde Gas North America Classification: SATISFACTORY Rating: 4.82

or Owner/Operator:

Regulated Entity: RN103080487, LINDE GAS CLEAR LAKE Classification: SATISFACTORY Rating: 6.68

PLANT

Complexity Points: 16 Repeat Violator: NO

05 - Chemical Manufacturing CH Group:

Location: 9502 BAYPORT BOULEVARD, SUITE A, PASADENA, TX 77507-1402, HARRIS COUNTY

TCEQ Region: **REGION 12 - HOUSTON**

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE INDUSTRIAL AND HAZARDOUS WASTE EPA ID

REGISTRATION # (SWR) 87184 TXR000052175

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50391 AIR OPERATING PERMITS PERMIT 1329

AIR OPERATING PERMITS ACCOUNT NUMBER HGA002B AIR NEW SOURCE PERMITS AFS NUM 4820101556

AIR NEW SOURCE PERMITS REGISTRATION 75613 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HGA002B

AIR NEW SOURCE PERMITS REGISTRATION 78632 AIR NEW SOURCE PERMITS PERMIT 4056

AIR NEW SOURCE PERMITS REGISTRATION 87621 AIR NEW SOURCE PERMITS REGISTRATION 88450

AIR NEW SOURCE PERMITS REGISTRATION 117687 STORMWATER PERMIT TXR05AK83

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION **AIR EMISSIONS INVENTORY** ACCOUNT NUMBER

(SWR) 87184 HGA002B

POLLUTION PREVENTION PLANNING ID NUMBER

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014 Rating Date: 09/01/2014

Date Compliance History Report Prepared: May 05, 2015 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: May 05, 2010 to May 05, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez Phone: (512) 239-3921

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3) If YES for #2, who is the current owner/operator?

4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 02/20/2011 ADMINORDER 2010-1248-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

30 TAC Chapter 335, SubChapter H 335.221(a)(6)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(ii)

Ramt Prov: Permit Provision V.I.3.b.2 PERMIT

Description: Failure to have an Automatic Waste Feed Cut-Off system trip when the hazardous waste stream feed rate

exceeded the permit limit. Classification: Moderate

30 TAC Chapter 335, SubChapter H 335.221(a)(6) 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(i)(A)

Rgmt Prov: Permit Provision V.I.2.a PERMIT

Description: Failure to maintain the hazardous waste feed rate under the permit limit.

2 Effective Date: 08/13/2011 ADMINORDER 2011-0271-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: FOP No. O-01329, General Terms and Cond OP

Description: Failed to timely submit an ACC within 30 days after the end of the certification period. Specifically, the ACC for the period April 4, 2009 through April 3, 2010 was due May 3, 2010, but was not submitted until June 9, 2010 (37

days late).

Classification: Moderate

Citation: 30 TAC Chapter 118 118.5

5C THSC Chapter 382 382.085(b)

Description: Failed to prepare and maintain an emission reduction plan within six months after any air contaminant specified in 30 TEX. ADMIN. CODE § 118.1 exceeds 100 tons per year. Specifically, carbon monoxide emissions were 448 tons in 2008 and 188 tons in 2009, but an emission reduction plan was not prepared.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: FOP No. O-01329, General Terms and Cond OP

Description: Failed to report a deviation. Specifically, the deviation for failing to prepare and maintain an emissions reduction plan by June 30, 2009 was not included on the deviation report submitted for the April 4, 2009 through October 3, 2009 deviation reporting period.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

 Item 1
 May 12, 2011
 (919154)

 Item 2
 August 29, 2011
 (942938)

 Item 3
 January 24, 2012
 (970825)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date: 05/28/2014 (1152623) CN603335019

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)

5C THSC Chapter 382 382.085(b) Special Condition No. 24A PERMIT Special Terms and Conditions No. 12 OP

Description: Failure to maintain net heating value of the gas being combusted for Flare

MN-157

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Special Condition No. 3 PERMIT Special Terms and Conditions No. 12 OP

Description: Failure to comply with the rolling 12-month carbon monoxide (CO) production

limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition No. 24B PERMIT Special Terms and Conditions No. 12 OP

Description: Failure to perform the required weekly calibrations on the continuous monitoring

device for Flare MN-157

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(4)(i)

40 CFR Part 60, Subpart A 60.18(c)(4)(i) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions 12 OP

Description: Failure to maintain exit velocity of Flare MN-157 less than 60 feet per second

(fps)

2 Date: 09/04/2014 (1190504) CN603335019

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT Special Terms and Conditions No. 12 OP

Description: The Respondent exceeded the permitted emissions rate of 0.03 tons/year of

carbon monoxide based on a rolling 12-month period for Reactor R-33, EPN

51MJ151, for the 12-month periods ending in December 2011 to to August 2012, resulting in 0.01 tons of unauthorized carbon monoxide (Category A12i(6)).

3 Date: 11/13/2014 (1193352) CN603335019

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition 8 PERMIT Special Terms and Condition 12 OP

Description: Flare (EPN: 51MN157ST) did not meet the 40 CFR 60.18 requirements during

normal operations. (Category C4)

Self Report? NO

Moderate Classification:

30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition 24(A) PERMIT Special Terms and Condition 12 OP

Description: Flare (EPN: 51MN157ST) did not meet the 40 CFR 60.18 requirements during

maintenance, startup, and shutdown (MSS) activities. (Category C4)

Date: 11/19/2014 (1204602) CN603335019

> Classification: Moderate Self Report? NO

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 30 TAC Chapter 335, SubChapter E 335.112(a)(9) Citation:

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191(a) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)

II-C-2 PERMIT

Description: RCRA Tank certification was not adequately done.

F. Environmental audits:

Notice of Intent Date: 01/20/2014 (1145627)

No DOV Associated

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

·		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	THE A CONTRACTOR ON
LINDE GAS NORTH AMERICA	§	TEXAS COMMISSION ON
LIC	§	
RN103080487	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-0685-AIR-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Linde Gas North America LLC ("Respondent") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a industrial gas manufacturing plant located at 9502 Bayport Boulevard, Suite A in Pasadena, Harris County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 4, 2015.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-One Thousand Two Hundred Dollars (\$31,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Four Thousand Nine

Hundred Sixty Dollars (\$24,960) of the administrative penalty and Six Thousand Two Hundred Forty Dollars (\$6,240) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that on August 1, 2014, the Respondent submitted an application to amend New Source Review ("NSR") Permit No. 4056 to increase the amount of authorized emissions for Start-up Eductor MJ-151, Emission Point Number ("EPN") 51MJ151; Start-up Eductor MJ-152, EPN 51MJ152; Start-up Eductor MJ-153, EPN 51MJ153; and Maintenance, Start-up, and Shutdown ("MSS") Flare MN-157, EPN 51MN157ST.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 01329, Special Terms and Conditions ("STC") No. 12, and NSR Permit No. 4056, Special Conditions ("SC") No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions rate of 0.03 ton per year ("tpy") based on a rolling 12-month period for the Start-up Eductor MJ-151, EPN 51MJ151, for the 12-month periods ending in December 2011 through August 2012, resulting in the unauthorized release of 0.01 ton of CO.

- 2. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") emissions rate of 0:03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-151, EPN 51MJ151, for the 12-month periods ending in December 2011 through September 2012, resulting in the unauthorized release of 0.02 ton of NOx.
- 3. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the NOx emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-152, EPN 51MJ152, for the 12-month period ending in August 2012, resulting in the unauthorized release of 0.01 ton of NOx.
- 4. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the CO emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-152, EPN 51MJ152, for the 12-month period ending in August 2012, resulting in the unauthorized release of 0.01 ton of CO.
- 5. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the CO emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-153, EPN 51MJ153, for the 12-month periods ending in September 2011 through August 2012, resulting in the unauthorized release of 0.02 ton of CO.
- 6. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the NOx emissions rate of 0.03 tpy based on a rolling 12-month period for the Start-up Eductor MJ-153, EPN 51MJ153, for the 12-month periods ending in September 2011 through August 2012, resulting in the unauthorized release of 0.04 ton of NOx.
- 7. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the CO emissions rate of 0.01 tpy based on a rolling 12-month period for the MSS Recycle Carbon Dioxide Compression System, EPN MSS-RCO2, for the 12-month periods ending in August 2012 through November 2012 and January 2013 through March 2013, resulting in the unauthorized release of 0.02 ton of CO.

8. Failed to comply with annual emissions rates, in violation of 30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01329, STC No. 12, and NSR Permit No. 4056, SC No. 1, as documented during a record review conducted on March 27, 2015. Specifically, the Respondent exceeded the sulfur dioxide ("SO2") emissions rate of 0.01 tpy based on a rolling 12-month period for the MSS Flare MN-157, EPN 51MN157ST, for the 12-month periods ending in June 2011 through March 2013, resulting in the unauthorized release of 0.39 ton of SO2.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Linde Gas North America LLC, Docket No. 2015-0685-AIR-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure compliance with the CO emissions rate for EPN MSS-RCO2;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance;

- d. Within 180 days after the effective date of this Agreed Order, submit written certification that either the amendment to NSR Permit No. 4056 has been obtained or that operation has ceased until such time that appropriate authorization is obtained, as described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance; and
- e. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent.

 The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

Linde Gas North America LLC DOCKET NO. 2015-0685-AIR-E Page 6

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures. may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Linde Gas North America LLC DOCKET NO. 2015-0685-AIR-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Pom Morrie For the Executive Director	<u> </u>
For the Executive Director	Date
agree to the attached Agreed Order on behalf	the attached Agreed Order. I am authorized to of the entity indicated below my signature, and I herein. I further acknowledge that the TCEQ, in materially relying on such representation.
 additional penalties, and/or attorney f Increased penalties in any future enformation. Automatic referral to the Attorney Genand TCEQ seeking other relief as authorized. 	nt, may result in: ory; tions submitted; eneral's Office for contempt, injunctive relief, ees, or to a collection agency; reement actions; heral's Office of any future enforcement actions;
Jake Leavins Signature	12/22/2015 Date
Name (Printed or typed) Authorized Representative of Linde Gas North America LLC	HEAD OF HOUSTON HYCO

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.